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Mattingly, Stanger & Malur, P.C.
1800 Diagonal Rd., Suite 370
Alexandria, Virginia 22314

In re Application of: Sekine, et al.
Application No. 10/766,850
Filed: 30 January 2004

In re Application of: Lee, et al.
Application No. 10/677,925
Filed: October 1, 2003

For: STORAGE SYSTEM, STORAGE
CONTROL DEVICE, AND DATA RELAY
METHOD USING STORAGE CONTROL
DEVICE

DECISION ON PETITION
FOR ACCELERATED
EXAMINATION UNDER
M.P.E.P. § 708.02(VIII)

This is a decision on the petition filed 31 March 2005 under 37 C.F.R. 102(d) and M.P.E.P. § 708.02(VIII): Accelerated Examination, to make the above-identified application special.

The Petition is **DISMISSED**.

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

- (a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(h);
- (b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status;
- (c) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. The pre-examination search must be directed to the invention as claimed in the application for which special status is requested. A search made by a foreign patent office satisfies this requirement;

- (d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
- (e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petition filed 31 March 2005 fails to adequately meet requirement (e) as set forth above. Responsive to requirement (e), applicant must provide a "detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references." Petitioner should ensure that the above discussion is directed to *how the language of each of the independent claims are specifically distinguishable and patentable from the references* provided pursuant to requirement (d) supra.

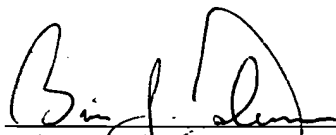
Applicant's petition fails to discuss the **claimed limitations** with respect to the references in accordance with the requirements of 37 CFR 1.111 (b) and (c). The petition, in section 5a, provides a description of each reference, and then in section 5b, it gives a general discussion of the "invention as recited in the claims". This discrete mention of the references and then the general allusion to the claimed features does not identify and discuss particular claim language in each of the independent claims that would show how the claimed subject matter is patentable over each of the references. Petitioner alludes to the limitation of "real volume is mapped to the second virtual volume" and the "second virtual volume is mapped to the first virtual volume" as a feature that distinguishes the invention from the prior art, however, this limitation is not present in each of the independent claims; specifically, claims 6 and 16 lack this feature.

Petitioner must show, with respect to each reference, how the claimed subject matter distinguishes from the prior art in accordance with the requirements of 37 CFR 1.111 (b) and (c). As part of the required "detailed discussion" of each reference, the petition needs to particularly point out certain independent-claim limitations in relation to the given reference and specify "how the claimed subject matter is patentable over the references."

Petition to Make Special **DISMISSED**.

Petitioner is given one opportunity to perfect the petition. Any request for reconsideration must be filed within TWO MONTHS of the mail date of this decision.

Until the renewed petition is submitted, the application will be returned to the examiner's docket to await treatment on the merits in the normal order of examination.


Brian L. Johnson
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3595

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